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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,341	01/15/2002	Carl E. Rogers	1690	5083

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EXAMINER	
ELAHEE, MD S	

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/047,341	ROGERS ET AL.	
	Examiner	Art Unit	
	Md S. Elahee	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-3, 6, 9-13, 16, 19 and 20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4, 5, 8-11, 14, 15 and 18-20 of copending Application No. 10047298. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1 and 11 of the present invention recites a method of operating a telecommunication network, the method comprising: in a switching system, routing a call to a service platform; in the service platform, transferring a prompt message over the call, collecting caller-entered information from a caller over the call in response to the prompt message, and transferring the caller-entered information to a Service Control Point (SCP) system; in the SCP system, transferring the caller-entered information to a destination processor, processing a destination routing code from the destination processor to determine a destination routing instruction, and transferring the destination routing instruction to the switching system; and in the switching system, routing the call to a destination in response to the destination routing instruction. Claims 1 and 11 of the copending Application

recites a method of operating a telecommunication network, the method comprising: in a switching system, routing a call to a service platform; in the service platform, transferring a prompt message over the call, collecting caller-entered information from the caller over the call in response to the prompt message, and transferring the caller-entered information to a Service Control Point (SCP) system in the SCP system, transferring the caller-entered information to a first destination processor, processing a first destination routing code from the first destination processor to determine a first destination routing instruction, and transferring the first destination routing instruction to the switching system, in the switching system, routing the call to a first destination in response to the first destination routing instruction; in the SCP system, transferring the caller-entered information to a second destination processor, processing a second destination routing code from the second destination processor to determine a second destination routing instruction, and transferring the second destination routing instruction to the switching system, and in the switching system, routing the call to a second destination in response to the second destination routing instruction. In both of the claims SCP selects a destination based on the caller-entered information and caller-entered information is transferred to a destination processor in order to allow the destination processor to select a routing code. It is clear that these claims are very similar and are not patentably distinct from each other.

Claims 2 and 12 of the present invention recites the destination processor selects the destination routing code based on the caller-entered information. Claims 4 and 14 of the copending Application recites the first destination processor selects the first destination routing code based on the caller-entered information and the second destination processor selects the second destination routing code based on the caller-entered information. In both of the claims the

destination processor selects a routing code based on the caller-entered information. It is clear that these claims are very similar and are not patentably distinct from each other.

Claims 9 and 19 of the present invention recites in the SCP system, transferring an Automatic Number Identification (ANI) to the destination processor wherein the destination processor selects the destination routing code based on the ANI. Claims 9 and 19 of the copending Application recites in the SCP system, transferring an Automatic Number Identification (ANl) to the first destination processor and the second destination processor wherein the first destination processor selects the first destination routing code based on the ANI and the second destination processor selects the second destination routing code based on the ANI. In both of the claims the destination processor selects the destination routing code based on the ANI. It is clear that these two claims are very similar and are not patentably distinct from each other.

Claims 10 and 20 of the present invention recites the destination correlates the caller-entered information with the call received into the destination based on the ANI. Claims 10 and 20 of the copending Application recites n the first destination correlates the caller-entered information with the call received into the first destination based on the ANI, and the second destination correlates the caller-entered information with the call received into the second destination based on the ANI. In both of the claims the destination correlates the caller-entered information with the call received into the destination based on the ANI. It is clear that these two claims are very similar and are not patentably distinct from each other.

Regarding claims 3, 6, 13 and 16 the claim descriptions are the same as the claims 5, 8, 15 and 18 simultaneously of the inventor's another application having the application no. 10047298.

Response to Arguments

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Nelson et al. (U.S. Patent No. 6,262,992).

Regarding claims 1 and 11, Nelson teaches that in a call trigger system 104 [i.e., switching system], routing a call to a service platform 438 (col.12, lines 52-60).

Nelson further teaches that in the service platform, transferring a prompt message over the call, collecting caller-entered information from a caller over the call in response to the announcement, and transferring the caller-entered information to a signaling processor 112 [i.e., Service Control Point (SCP)] system (col.6, lines 50-67, col.8, lines 32-37, col.12, line 40-col.13, line 5).

Nelson further teaches in the signaling processor 112 system, transferring the caller-entered information to a communication device call processing platform (not shown) [i.e., destination processor], processing a prefix "0" or "1" [i.e., destination routing code] from the communication device call processing platform to determine a destination routing instruction, and transferring the destination routing instruction to the switching system (col.8, line 50-col.9, line 6, col.10, lines 20-33, col.10, line 48-col.11, line 9, col.22, line 58-col.23, line 7)

Nelson further teaches that in the switching system, routing the call to a communication device [i.e., destination] in response to the destination routing instruction (col.10, lines 48-63).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1, 2, 6, 8, 11, 12, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit (U.S. Patent No. 5,696,809) in view of Becker (U.S. Patent No. 5,680,448).

Regarding claims 1 and 11, Voit teaches that in a switching system, routing a call to an intelligent peripheral (IP) [i.e., service platform] (fig.4, 9; col.12, lines 28-34, col.14, lines 30-35).

Voit further teaches that in the intelligent peripheral (IP), transferring a prompt message over the call, collecting caller-entered information from a caller over the call in response to the

announcement, and transferring the caller-entered information to a Service Control Point (SCP) system (fig.4, 7, 9; col.12, lines 28-34, col.14, lines 15-35).

Voit further teaches transferring the caller-entered information to a call server [i.e., destination processor] (fig.7-9; col.13, lines 59-64, col.14, lines 30-54, col.15, lines 1-17).

However, Voit does not specifically teach "processing a destination routing code from the destination processor to determine a destination routing instruction, and transferring the destination routing instruction to the switching system". Becker teaches processing a destination routing code from the destination processor to determine a destination routing instruction, and transferring the destination routing instruction to the switching system (fig.1; col.4, lines 12-29). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Voit to process a destination routing code from the destination processor to determine a destination routing instruction, and transferring the destination routing instruction to the switching system as taught by Becker. The motivation for the modification is to have doing so in order to route the call to a designated destination without any inconvenience.

Voit further teaches that in the switching system, routing the call to an ACD group [i.e., destination] in response to the destination routing instruction (fig.10, item SS11; col.15, lines 1-17).

Regarding claims 2 and 12, Voit teaches destination processor selects the destination routing code based on the caller-entered information (fig.7-9; col.14, lines 30-54, col.15, lines 1-17).

Regarding claims 6 and 16, Voit teaches that the caller-entered information comprises a ANI [i.e., caller identification number] or a caller account number (col.4, lines 56-67, col.12, lines 28-34, col.14, lines 63-65).

Regarding claims 8 and 18, Voit teaches that in the switching system, removing inherently the intelligent peripheral (IP) from the call after the intelligent peripheral (IP) collects the caller-entered information (col.12, lines 28-34, col.14, lines 30-54).

8. Claims 3-5 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit (U.S. Patent No. 5,696,809) in view of Becker (U.S. Patent No. 5,680,448) further in view of Latter et al. (U.S. Patent No. 6,574,319).

Regarding claims 3 and 13, Voit teaches that in the intelligent peripheral (IP), transferring a queue status variable [i.e., tracking number] to the SCP system with the caller-entered information, initiating a second call to the switching system and transferring the queue status variable to the switching system with the second call (col.12, lines 28-34, col.14, lines 30-35).

However, Voit in view of Becker does not specifically teach "connecting the first call to the second call". Latter teaches connecting the first call to the second call (col.10, lines 4-8). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Voit in view of Becker to connect the first call to the second call as taught by Latter. The motivation for the modification is to have doing so in order to complete the call.

Voit further teaches that in a switching system, transferring an SCP query for the second call to the SCP system (col.12, lines 28-34).

Voit further teaches in the SCP system, in the SCP system, correlating the SCP query with the caller-entered information based on the tracking number and processing the SCP query to transfer the caller-entered information to the destination processor (col.12, lines 28-34, col.14, lines 30-35).

Voit further teaches that in the switching system, routing the first call to the subscriber comprises routing the second call to the subscriber in response to the destination routing instruction (col.9, lines 43-49, 65-67, col.10, lines 1-3; 'subscriber' reads on the claim 'destination').

Regarding claims 4 and 14, Voit teaches that in the intelligent peripheral (IP), initiating the second call comprises using a different telephone number than the caller used to place the first call (fig.7-9; col.12, lines 28-34, col.14, lines 30-54, col.15, lines 1-17).

Regarding claims 5 and 15, Voit teaches that in the intelligent peripheral (IP), transferring the prompt message comprises applying a call processing record (CPR) (i.e., call processing script), and wherein, the CPR indicates the different telephone number (fig.7-9; col.12, lines 28-34, col.14, lines 30-54, col.15, lines 1-8).

9. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit (U.S. Patent No. 5,696,809) in view of Becker (U.S. Patent No. 5,680,448) further in view of Sbisa et al. (U.S. Patent No. 6,470,081).

Regarding claims 7 and 17, Voit in view of Becker fails to teach "the caller-entered information comprises a frequent flyer number". Sbisa teaches the caller-entered information

comprising a frequent flyer number (col.9, lines 14-21). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Voit in view of Becker to have the caller-entered information comprising a frequent flyer number as taught by Sbisa. The motivation for the modification is to have doing so in order to process a particular call.

10. Claims 9, 10, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voit (U.S. Patent No. 5,696,809) in view of Becker (U.S. Patent No. 5,680,448) further in view of Morrisey et al. (U.S. Patent No. 5,524,146).

Regarding claims 9 and 19, Voit teaches that in the SCP system, the destination processor selects the destination routing code based on the ANI (col.14, lines 63-65, col.15, lines 1-17).

However, Voit in view of Becker does not specifically teach transferring an Automatic Number Identification (ANI) to the destination processor. Morrisey teaches forwarding [i.e., transferring] an Automatic Number Identification (ANI) to the tandem [i.e., destination processor](col.13, lines 34-46). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Voit in view of Becker to transfer an Automatic Number Identification (ANI) to the destination processor as taught by Morrisey. The motivation for the modification is to have doing so in order to provide identification of the calling party.

Regarding claims 10 and 20, Voit teaches that the destination correlates the caller-entered information with the call received into the destination based on the ANI (col.14, lines 63-65, col.15, lines 1-17).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Koch et al. (US Patent No. 6,804,716) teach Network and method for call management.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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